

REMARKS

Applicant withdraws claims 10-16 and cancels claims 17-19 such that claims 1-16 remain pending in this application.

Election/Restriction

The Examiner has identified in the application three groups of claims as follows: Group I (claims 1-9) drawn to a heated handgrip classified in class 219, subclass 204; Group II (claims 10-16) drawn to a heated handgrip classified in class 219, subclass 535; and Group III (claims 17-19) drawn to a heated handgrip and handlebar classified in class 219, subclass 533.

In response to the restriction requirement, Applicant elects to prosecute Group I (claims 1-9) with traverse, withdraws Group II (claims 10-16), cancels Group III (claims 17-19), and respectfully requests reconsideration of the restriction requirement with respect to Groups I and II.

Two criteria must be met for a proper restriction requirement: (1) the inventions must be patentably independent or distinct as claimed, and (2) there must be a serious burden on the Examiner if restriction is not required. See *Manual of Patent Examining Procedure*, § 803.

Even if the two disclosed subjects are independent and distinct (and Applicant submits that they are not), in order for a proper restriction, there must also be a serious burden on the patent Examiner if the restriction is required (*M.P.E.P.* § 803). If the search and examination can be completed without a serious burden, the Examiner must evaluate the merits regardless of whether or not two or more independent or distinct subjects are disclosed. Applicant respectfully submits that a serious burden is not placed on the Examiner in searching and examining the claims of Groups I and II together. Applicant notes that the claims of Group I and II are related as being drawn to a specific technology.

The Examiner has indicated that each of Groups I and II falls within a different subclass (i.e., Group I classified in class 219, subclass 204; and Group II classified in class 219, subclass 535). However, there does not appear to be a proper basis for classifying these Groups in these different subclasses. Class 219, subclass 204 is defined as technology concerning electric heating located on a steering wheel or other steering device for a vehicle. Class 219, subclass 535 is defined as technology concerning a heater unit housing that is shaped to fit the contours of an object to be heated. There appears to be no distinction in the claims of Group I and II that

requires the claims to be assigned to these different subclasses. In particular, subclass 204 appears to be equally relevant to the claims of Group I and II. If the restriction requirement is upheld, explanation of why Groups I and II have been classified in these different subclasses is respectfully requested.

Accordingly, Applicant respectfully submits that Groups I and II in the present application can and should be examined together. Particularly in light of the fact that such an examination would not present a serious burden to the Examiner and any restriction would unnecessarily prejudice the Applicant. Applicant hereby requests withdrawal of the restriction requirement of Groups I and II, and examination of Groups I and II on the merits.

The Examiner is invited to contact the undersigned attorney should the Examiner determine that such action would facilitate the prosecution and allowance of the present application.

Respectfully submitted,



Glen A. Weitzer
Reg. No. 48,337

Docket No.: 043210-1441-01
Michael Best & Friedrich LLP
100 East Wisconsin Avenue
Milwaukee, Wisconsin 53202-4108

(414) 271-6560

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